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TO WHOM IT MAY CONCERN

I have been asked by the South Manchester Law Centre to provide background information in connection with an asylum application by a Ugandan client of theirs, Ms Irene Weraga, and to comment on sections of the Home Office's refusal letter. I have seen and read carefully the notes of the client's SEF interview and the Home Office's refusal letter. In the interview notes the questions are fairly clearly written, but the appellant's replies are almost illegible, being written in sloping cursive capitals, and I have had to type out a copy in order to try and decipher what is being said. There are still some words which I cannot read at all, but I do not think these affect the general sense. Only the final page is signed.

I am aware that it is a duty of an expert to help the court on matters within my expertise and that this is an overriding duty. Although I accept a fee for preparing a report, that does not influence what I have written. From time to time I refuse to write reports where it seems clear to me that the appellant has made claims that are inconsistent with the facts of the situation as I understand them.

I am academic historian specialising in Uganda and Eastern Africa, and am a member of Homerton College, University of Cambridge; the African Studies Centre, University of Cambridge (and a member of its Management Committee); the Institute of Commonwealth Studies, University of London; the African Studies Association of the UK; and the Royal African Society. I have lived and worked in East Africa (Kenya and Uganda) for nearly twenty years, first at a school in Western Kenya and then on the staffs of Makerere University, Uganda and Nairobi University, Kenya. I follow events in East Africa closely. I have written and published on the area and enclose a select publications list.

I will provide some background information which may be of use to the Adjudicator, and I will comment on sections of the Home Office's refusal letter.

A. Background Information.

The appellant claims that her husband was involved with the Lord's Resistance Army though she does not know anything about what he did for them, and says she was not involved at all and knows virtually nothing about them.

The LRA is an atavistic rebel movement which has ravaged Northern Uganda for years, abducting people, mainly children, whom it forces to fight, and destroying property. Thousands of people have been moved into so-called 'protective villages', often around army camps, often against their will. These villages afford little protection, and the army, the Uganda People's Defence Force, has failed

to contain the situation. There are several good accounts of this movement and of the situation in Northern Uganda including the following:

Amnesty International, *Uganda, abuses of the rule of law: the northern war*, London, November 1991

Amnesty International, *Uganda, the failure to safeguard human rights*, London September 1992

Amnesty International, *Uganda, "Breaking God's Commands": the destruction of childhood by the Lord's Resistance Army*, September 1997

Amnesty International, *Uganda, Breaking the circle: protecting human rights in the northern war zone*, March 1999

Robert Gersony for USAID, *The Anguish of Northern Uganda*, US Embassy, Kampala, August 1997

International Alert, *"The Bending of the Spears": producing consensus for peace and development in Northern Uganda*, December 1997

Els De Temmerman, *Aboke Girls: Children Abducted in Northern Uganda*, Kampala: Fountain Press, 2001.

Although the LRA is hated, President Museveni and his government are little better liked, especially because of the failure of the army to offer protection, and their mistreatment of the civilian population, documented in several of the items listed above, and in the US Dept of State's Reports on Uganda (see Reports covering 1999 and 2000, Section 1 g). Museveni has rejected any peace deals, insisting on pursuing a military option (though current non-governmental talks are in progress). An amnesty for rebels who hand themselves over is in force, though Joseph Kony, leader of the movement, and others of its leaders, have rejected this. *The East African* for July 23-29 reports that although large numbers of rebels have handed themselves over to the government's Amnesty Commission, resettlement is proving very difficult for lack of funds.

The areas affected are mainly in Kitgum and Gulu Districts in northern Acholi. However, Lira District has occasionally been affected. I understand that the appellant and her husband had a shop in the town of Kabermaido which is very close to the border with Lira District. Both the appellant and her husband come from Southern Uganda, and one would not expect them to be involved with the LRA. The appellant says she does not know what her husband was doing for the LRA: he was obviously not one of their troops. But rebel movements have to be supplied, and shopkeepers may find themselves forced into provisioning rebel bands, or into handling money for them. He apparently had a stash of dollars, the most desirable hard currency in Uganda and worth well above its face value on the black market.

B. Home Office refusal letter

Paragraph 5: The Home Office here apparently suggests that a government is not responsible if its officials abuse human rights provided they arise from 'failures of discipline' rather from 'any concerted policy.' A government is responsible for the behaviour of its officials and for making sure that discipline is effective. If a government is unable or unwilling to protect its citizens, then they may have good cause to seek asylum. When abuses are brought to the attention of the Uganda government, action is sometimes taken, but too little has been done proactively to rein in abuse by the army in areas where there is conflict. This problem is of very long standing as the documentation listed above bears witness. It was the behaviour of the Ugandan army back in 1986 soon after Museveni seized power which drove many Acholi into opposition. (v., e.g., Gersony, op. cit.). Such

indiscipline should surely have been dealt with by now. There is growing public pressure on Museveni to bring to an end the human rights abuse of the army and other security forces, and there has been some improvement (US Dept of State, Report for 2000), but much remains to be done.

Paragraph 6. The Home Office seems to suggest that the existence of a number of human rights organisations indicates that "the Uganda authorities recognise the importance of trying to ensure that human rights abuses do not occur, and that allegations of such a nature are investigated." A plethora of human rights organisations may, on the other hand, point to a high level of abuse and the difficulty of getting it dealt with. The version of the Home Office's CIPU Report on Uganda which the case-worker has consulted is, in any case, seriously out of date. It states that the Uganda Human Rights Commission (UHRC) is "just about to issue its first report" and that it operates without government restriction. The first report, covering the year 1997, was in fact issued in July 1998 after unaccountable delays, and two further annual reports have followed. Paragraph 3.47 of the first Report notes: "Parts of northern and western Uganda suffer insecurity due to rebel activities . . . The UHRC would have liked to regularly investigate these areas, but was unable to access them fully due to lack of logistics." Among their recommendations is the following: "Civilians should not be detained in military facilities, and laws that authorise such detention should be amended" (the appellant was clearly held at a military base, not in a prison, as the Home Office thinks). Moreover the UHRC was refused entry to military barracks and encampments. (paragraphs 3.19 and 3.48 (f)). The army frustrated the UHRC by requiring prior notice of visits, but unless inspections are unannounced they are of little use as prisoners can be hidden away. In the report of the UHRC covering the year 1999 (the latest report published) the Commissioners again noted that they had been unable to visit any military detention facility. Complaints made against the army had dropped from 36 the previous year to 33, but they had been unable to visit the north which is where complaints were most likely to have been made. The UHRC recognises that many instances of human rights abuse are not reported to it. None of the human rights organisations in Uganda offers safe refuges for those who are endangered. This paragraph of the refusal letter seems to me to misrepresent the situation regarding respect for human rights in Uganda. The US Dept of State Reports make it clear that there is widespread human rights abuse in Uganda.

Paragraph 7. The Home Office dismisses the appellant's account of rape on the grounds that female prisoners are held in separate wings of prisons from men. However, it is clear that the appellant was not held in a prison, but in an army encampment or what is known as a 'detach'. She refers to their uniform (they wore berets), and an officer is referred to as 'afandi', clearly a misspelling of 'effendi', which is a military rank just above that of sergeant-major in Uganda (A. Omara-Otunnu, *Politics and the Military in Uganda 1890 - 1985*, St Anthony's College, Oxford and Macmillan, 1987, 41). The men spoke Swahili which is the lingua franca spoken by the army in Uganda. Swahili is not nearly as well-known in Uganda as in the other East African territories. The prisoners were placed in a 'uniport', a trade name for a prefabricated building. Here it refers to a small rondavel or hut: in the cities 'uniport' extra classrooms are used in schools. With regard to conditions for civilians held in such encampments, see Amnesty International, *Uganda, Breaking the circle: protecting human rights in the northern war zone*, March 1999, pp 34-39. Rape is specifically referred to.

Paragraph 8. The Home Office believes that the money the appellant claims she hid in her gomesi would have been found when she was searched or when she was ordered to take off her clothes. A gomesi consists of a long wide strip of decorative material. It is folded and the part round the waist is often stiffened with newspaper as the appellant says. Paper money could well have been hidden

among the folded newspaper, and would have been unlikely to fall out when the appellant took her clothes off. Had she been held in a prison, she would have undergone a routine search. Army personnel may not have searched her thoroughly. They appear to have been interested in getting information out of her, not in following prison routines.

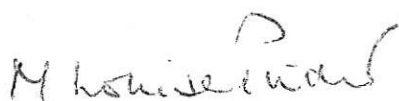
Paragraph 9. As the appellant explained in her interview, she had no opportunity to look for safety in any other part of Uganda. She goes on to say that in any case, having come to the attention of the army in the way she has, she would not feel safe anywhere. I think it is necessary to digress here, and I hope the following speculation will not be ruled out of order. The account given by the appellant of her escape is unusual. The person who organised the escape seems to have been concerned primarily with the payment he would receive. He did not treat her with any particular kindness, and she was virtually held prisoner for a further two weeks after she left the military encampment. Effendis were involved in the escape. Other women escaped at the same time. Had the army decided that the appellant and other prisoners did indeed know nothing, and had they by now become an embarrassment, particularly in respect of the treatment they had been subjected to? The appellant had also witnessed the probable murder of her husband? (I think she states that the house was set on fire with husband and daughter inside, but some words are illegible at this point of the interview notes). Were the soldiers who imprisoned her glad to get her out of the country?

Paragraph 10. The Home Office does not think it likely that the appellant would be endangered if she were to return to Uganda. If she were to encounter any of the army personnel who detained and tortured her, I think she might be in serious danger, not because of her husband's connection with the LRA, but because of the evidence she could give of her treatment by the army and the fact that her husband was killed instead of being charged and brought to trial as should have happened. I think the Adjudicator may also wish to take into consideration that the appellant has lost her means of livelihood and could not return to Kaberamaido.

If the appellant were to be returned, her travel documents would show that she had been refused permission to enter the UK, and I understand that Ugandan immigration officials are aware that this may mean that the person is a failed asylum seeker. This would inevitably lead to special questioning. I enclose a copy of a paper on forced removals: I have no information to suggest that this situation has changed since I was given this information.

This report is prepared for use in the appeal of Ms Irene Weraga and may not be used in any other appeal.

I believe that the facts that I have stated are true and that the opinions I have expressed are correct.



M. Louise Pirouet, BA, PhD, PGCE
Member of the Management Committee, African Studies Centre

2 August 2001

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FORCED REMOVALS TO UGANDA

The following information came from a very reliable Ugandan informant, the Rev Fr John Waliggo, PhD (Cantab), a member of the Uganda Human Rights Commission. He gave this information at a meeting of the African Studies Association of the UK held in Coventry University in the Autumn of 1999. He was the guest speaker at this meeting.

1. People who are forcibly removed by the UK arrive in Uganda without any of their possessions. They say they have been picked up by the police in Britain, given no time to collect any of their things let alone close their bank accounts, taken to the police station, and then put on a plane. They therefore arrive destitute and people have to help them out. It is considered that they have been robbed (the National Association of Anti-Deportation Campaigns says that this is standard procedure when people are removed or deported).
2. On arrival at Entebbe Airport, the escorts hand them and their passports, if they have them, over to the Officer in Charge of Airport Police. They then have to be taken to the Central Police Station in Kampala, but may be held at the airport for up to three days without food until it suits the convenience of the Officer in Charge, Police, to take them in to Kampala, twenty-two miles away.
3. At the Central Police Station no charge can be laid against them, so they become "lodgers", i.e. uncharged detainees unprotected by any law. They may be detained for any length of time until someone claims them and buys their way out.
4. If a relative finds them, the relative is sent to Interpol, a branch of the police described as 'nasty'. A relative may be able to stand surety for the detainee; papers will have to be signed and guarantees given that they will report regularly to the police for the next six months, on the grounds that the detainee must have committed some crime to get deported, and the police are waiting for a charge to be sent from Britain. If this person comes from the North, then lodgings in Kampala must be found for him.
5. The Home Office has given categorical assurances in the past that escorts do not hand people over to the authorities when returning people. However, I reported a case to Peter van der Vaart of the UNHCR of a Ugandan who claimed on arrival in Entebbe that he was a Nigerian, and the Ugandan authorities therefore refused to accept him and sent him back. The escorts' written report showed that they had handed him over.
6. I have supplementary information that the same sort of procedures operate in Kenya, and Mr John O of the National Association of Anti-Deportation Campaigns says that people returned to Nigeria are also imprisoned and harassed. The authorities in Lagos deny that they are detaining people, but people from the churches have visited them in prison and say they quite certainly are detained.

In a letter dated 27 September Hope Hanlan, Representative of the UNHCR for the UK and Ireland says: "We are taking the information you have provided us with very seriously and will take this issue up with the authorities at the Immigration and Nationality Directorate."

Dr M. Louise Pirouet
29 September 1999